

ORDINANCE No. _____, SERIES 2009

AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON NEW DEVELOPMENTS WHICH INCLUDE THE RETAIL SALES OF GASOLINE.

SPONSORED BY: COUNCILMAN DAN JOHNSON, DISTRICT 21

WHEREAS, the Legislative Council of the Louisville/Jefferson County Metro Government (the "Council") hereby finds and declares that there is a major shortage in the global supply of gasoline; and

WHEREAS, the Council finds that it is neither proper nor prudent to continue developing new locations to market a product that is in short supply; and

WHEREAS, the Council finds that the building of new gas stations is expensive and a reduction in the oil companies' expenditure of capital funds could result in lower prices at the pump; and

WHEREAS, the Council finds that new technology for powering automobiles may make traditional gas stations obsolete within our lifetimes; and

WHEREAS, the Council finds that abandoned gas stations create significant environmental problems in our community; and

WHEREAS, the Council wishes to conduct a study of the Metro Development Codes to determine the need to establish additional controls on the construction of gas stations; and

WHEREAS, during the pendency of this study, the Council desires to preserve the status quo by preventing the further construction of gas stations and other retail facilities which sell gasoline; and

WHEREAS, it is anticipated that it will take twelve months to initiate and complete an area wide redrafting of laws and regulations concerning this area; and

WHEREAS, anyone claiming that the moratorium imposed by this Ordinance interferes with reasonable investment-backed expectations may seek relief from the Louisville Metro Board of Zoning Adjustment pursuant to KRS Chapter 100;

NOW THEREFORE BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

Section I: There is hereby imposed a moratorium on the issuance by the Louisville Metro Department of Inspections, Permits, and Licenses of permits for the construction of new developments which include the retail sales of gasoline.

Section II: The moratorium imposed by Section I shall not apply to construction or reconstruction of such developments which are damaged or destroyed by fire, flood, windstorm, hurricane, earth movement, or other casualty, nor to permits issued to restore or make safe a condition caused by fire, wind, snow or any unforeseen event, as determined by the Director of Inspections, Permits and Licenses. The moratorium imposed by Section I further shall not apply to any applications for permits, whether received before or after the effective date of this Ordinance, made pursuant to a development plan approved by the Planning Commission or committee thereof prior to the effective date of this ordinance.

Section IV: Any person or entity claiming to be injuriously affected or aggrieved by an action taken by the Department of Inspections, Permits, and Licenses refusing to grant a permit pursuant to this ordinance may appeal to the Louisville Metro Board of Zoning Adjustment pursuant to KRS Chapter 100.

Section VIII: The moratorium imposed by this Ordinance shall be effective immediately upon the effective date of this Ordinance, and shall remain effective for a period of twelve (12) months after the effective date of this Ordinance, unless repealed or extended.

Section IX: This Ordinance shall take effect upon passage and approval.

Kathleen J. Herron
Metro Council Clerk

David W. Tandy
President of the Council

Jerry Abramson
Mayor

Approved: _____
Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: _____

Moratorium – Developments including retail sales of gasoline – 22 April 2008 – roc/wtw
Moratorium – Developments including retail sales of gasoline – as refiled - 16 Jan 2009 – roc/wtw